

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CIVIL REVISION APPLICATION No 804 of 1995

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

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1. Whether Reporters of Local Papers may be allowed : NO
to see the judgements?

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy : NO
of the judgement?

4. Whether this case involves a substantial question : NO
of law as to the interpretation of the Constitution
of India, 1950 of any Order made thereunder?

5. Whether it is to be circulated to the Civil Judge? : NO

MADHUBEN B DESAI

Versus

MAGANLAL JAGJIVANBHAI DESAI

Appearance:

MR AM DAGLI for Petitioner
None present for Respondent No. 1, 2

CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 27/01/2000

ORAL JUDGEMENT

Heard the learned counsel for the petitioner.

2. At the stage where the document was tendered to be exhibited in evidence, learned trial court has no jurisdiction to decide regarding the validity of the

same. The document has to be first exhibited in evidence and thereafter whether it is valid or not it can be gone into at the time of final hearing of the matter. On this ground, the document can not be declined to be exhibited in evidence. Otherwise also, this matter is squarely covered by the decision of this court in between the same parties in civil revision application No. 696 of 1995 decided on 8-10-1999 (Coram : M.H. Kadri,J).

3. In the result, this revision application succeeds and the same is allowed and the order of the learned trial court dated 18th March, 1995 is quashed and set aside. Rule is made absolute.

zgs/-